

contrary, all West Virginians feel as if they know him. And, not only do people feel they know him, many have a personal story to tell about him. They often comment on "the night he spent with our family," or when "he had dinner at our house," or when "he spoke at my commencement," or when "he helped my mother to get her widow's benefits after my dad died."

As he values each and every citizen of West Virginia, so does Senator BYRD value everyone who works for him—for themselves and for the job that they do for him and the people of West Virginia. He sets high standards, but he never asks more of anyone than he asks of himself. And, his drive is tempered by thoughtfulness.

He goes out of his way to smile, greet, and speak gently with everyone in his office. When personal or family tragedies strike, he is also there, offering support and encouragement, and living up to his belief that family must come first. Senator BYRD has seen members of his staff through cancer, the birth and death of children, the loss of parents, and all of life's best and worst experiences with characteristic kindness and understanding. In return, he has a loyal group of employees, who belie the common perception that staff turnover on Capitol Hill is frequent. His current staff combine for a total of over 4 centuries of experience in his service and in service to the Nation and the people of West Virginia, and his former staff remain close to him.

Working with Senator BYRD is an honor because he is a legendary figure even in his own time. He is larger than life, not only for the positions he has held and his accomplishments, but for his principles. On many occasions he has quoted Mark Twain: "Fame is vapor, popularity an accident, riches take wings only one thing endures: character." He is a man of principle who is willing to stick to those principles, his experience, and his reason, with his eye always on the unforgiving pen of history and not on polls or interest group calls. He has taken some lonely stands, speaking candidly and thoughtfully about controversial nominations and treaties, and even calling for Senators to step down when their actions were detrimental to the institution of the Senate.

Senator BYRD's legacy to West Virginia is not one that will be measured solely in years of service, or in the number of offices held, or, even, as some might cynically suggest, in dollar signs. More than anyone or anything in memory, Robert C. BYRD has provided West Virginians with hope—hope of a better economy, hope that dreams of well-paying jobs and nice homes do not have to be hooked on the back of a bumper on a winding road leading out of State, hope that the way of life cherished among West Virginia's hills will survive and even flourish, to be passed on to future generations. He has made them feel proud—proud of their way of life, proud of their State and proud of

him. There is a difference in West Virginia today that can be attributed to a renewed feeling of hope and a sense of belief in the State that Senator BYRD has so unselfishly worked to fulfill.

As his 51st year of public service draws to a close, and the beginning of his 81st year dawns, we all offer our heartiest congratulations and best wishes to the man we have been honored to work with, and to learn from. To follow in his example, let us close with a quote, this one from Alexander Pope (1688-1744) in a letter to Mr. Addison, that captures Senator BYRD's essence:

Statesman, yet friend of truth! Of soul sincere,

In action faithful, and in honour clear;
Who broke no promise, served no private end,

Who gained no title, and who lost no friend.

Working for Senator BYRD is an honor and a privilege of which every member of his staff is mindful each day, and it is a blessing for which each one will always be grateful. The sign of a truly great man is how, by the example of his own daily living, in and out of the public's view, he touches and changes everyone around him for the better. Through him, his staff becomes part of a great and living institution, dedicated like Senator BYRD to the service of the Nation and of the great State of West Virginia.

Today, I join Senator BYRD's staff in wishing him a happy 80th birthday and happy 51st year of public service.

Mr. President, I ask unanimous consent that a list of Senator BYRD's staff, many of whom contributed greatly to this birthday wish, be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

Ann Adler
James Allen
Neyla Arnas
Alisa Bailey
Suzanne Bailey
Mary Bainbridge
Anne Barth
Sue Bayliss
Betsy Benitez
Elizabeth Blevins
Pat Braun
C. Richard D'Amato
Dionne Davies
Mary Dewald
Carol Dunn
Joan Drummond
Mary Edwards
Glenn Elliott
James English
Tina Evans
Elias Gabriel
Carolyn Giolito
Patrick Griffin
Scott Gudes
Kimberly Hatch
Marilyn Hill
Paulette Hodges
Cynthia Huber
Susan Huber
James Huggins
Gail John
Helen Kelly
Peter Kiefhaber

Charles Kinney
Carol Kiser
Kevin Kiser
Catherine Lark-
Preston
Angela Lee
Kathleen Luelsdorff
Rebecca Roberts-
Malamis
Sue Masica
Martin McBroom
Lane McIntosh
Martha Anne
McIntosh
Nora Martin
Joseph Meadows
Carol Mitchell
Jennifer O'Keefe
Nancy Peoples
Richard Peters
David Pratt
Barbara Redd
Peter Rogoff
Terrance Sauvain
Melissa Wolford
Shelk
Mary Jane Small
Elysa Smith
Terri Smith
Leslie Staples
Joe Stewart
Lesley Strauss
Brenda Teutsch

Lisa Videnieks
Jacquie Watkins
Julie Watkins
Paul Weinberger
B.G. Wright

Gail Stanley
Scott Bunton
Lula Davis
Melvin Dube
Tom Fliter

Mr. DASCHLE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. Without objection, the quorum call is rescinded.

EXTENSION OF MORNING BUSINESS

The PRESIDING OFFICER. Without objection, morning business will be extended until 5:30 p.m. with Senators permitted to speak for up to 10 minutes each.

In my capacity as a Senator from the State of Alabama, I suggest the absence of a quorum.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ROBERTS). Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I ask that I may proceed as in morning business.

The PRESIDING OFFICER. The Senator is recognized.

DEPARTMENT OF JUSTICE—CIVIL RIGHTS DIVISION

Mr. SESSIONS. Mr. President, lately, a discussion has been undertaken about the question of civil rights. Some think civil rights means preferences, quotas, and set-asides; others say it principally means equality in the law. That has been a major bone of contention as we have considered the nomination of Bill Lann Lee, an able attorney, for the position of chief of the Civil Rights Division of the U.S. Department of Justice.

We have had a lot of discussions about this question in recent years, and it is an important issue as this Senate considers that nomination. But there are other matters that come before the Civil Rights Division of the Department of Justice. It is a great division; it has played a tremendous role in the changing of race relations in America and has helped break down legal and de facto desegregation throughout this country. It has a great staff of 250 lawyers.

But I think it is also a matter of significance and importance that the chief of the Civil Rights Division maintain clear and firm control and supervision over that Department. In recent years, as the situation in our Nation has changed, legal barriers to equality have been broken down, and actions by that Department have raised questions about the validity of their actions and whether or not the positions they are

taking on a number of cases are worthwhile.

I have heard complaints about that. As a U.S. attorney for 12 years, I saw this division operate. Sometimes the actions taken by the Department were valid, however in many cases their actions can fairly be characterized as questionable. As the attorney general for the State of Alabama, I have seen a number of instances that trouble me about the role and the legal position of the Department of Justice. Just this week, there was a major decision by the U.S. Eleventh Circuit Court of Appeals. That opinion rendered an important decision. One newspaper article, described this opinion as a "stinging rebuke" to the U.S. Department of Justice. The Federal court ordered the Department of Justice to pay \$63,000 in attorney's fees to a Dallas County commission in Alabama over an election dispute that dragged on for 4 years. Let me read you some of the comments from that article. I think it points out the need to make sure that the person we have as chief of the Civil Rights Division is balanced and fair and treats everyone with the justice that the Department contends that they do.

Calling this case "very troubling," the appeals court blasted the Department of Justice for its continued refusal to pay legal fees and for its insistence that the white leadership on the Dallas County commission helped a candidate win an election contest. This is what the court said:

A properly conducted investigation would have quickly revealed there was no basis for the claim of purposeful discrimination against black voters.

The opinion also pointed out that the actual placement of Dallas County voters within districts was made by the predominantly black board of registrars. An attorney, John Kelly, who litigated the case for the county commission, said, "This is the toughest Federal court decision I have ever read."

Indeed, I would have to agree with that. It is remarkable. The decision means that the Federal Government will have to pay to the county commission, out of taxpayers' money, your money and my money, \$62,872.49 into their fund, to pay for the attorneys, which the court found were having to defend a case that was unjustified.

The opinion was written by a U.S. district judge from California who was sitting by designation on the eleventh circuit panel. Although the repayment of the attorneys fees is partial compensation to those aggrieved by the Department's actions, as this judge stated, "Unfortunately, we cannot restore the reputation of the persons wrongfully branded by the Justice Department as the public officials who deliberately deprived their fellow citizens of their voting rights. We also lack the power to remedy the damage done to race relations in Dallas County by the unfounded accusations of purposeful discrimination made by the Department of Justice."

The three-judge panel suggested to the Justice Department that it be "more sensitive" in the future "to the impact on racial harmony that can result from the filing of a claim of purposeful discrimination." The court said it found the Justice Department's actions, "without a proper investigation of the truth, unconscionable."

"Hopefully," the court goes on to say, "we will not again be faced with reviewing a case as carelessly investigated as this one."

Now, Mr. President, I think that the Department of Justice has an important role in this country to ensure equal rights, to make sure everyone has the right to vote, to make sure that there is equal justice under the law. But they also have a responsibility to be fair, to carry on their cases effectively, to be nonpartisan, to be objective, and to be careful in the cases they bring. This case went on for 4 years, when in fact, it could have been disposed of in short order with an effective investigation.

So, whoever is chosen to head the Civil Rights Division of the Department of Justice will have an important task. I asked Mr. Lee when I interviewed him, if he would take control of this Department? Would he make sure that the attorneys in that Department are obeying the law and are actually doing justice and not injustice? Would he make sure that they would not engage in civil wrongs when focusing on civil rights? Yes, this article will tell you that the Department of Justice can do civil wrongs and, in fact, they have done so. As attorney general of the State of Alabama I had occasion to witness this, as the following story illustrates.

There was a question about whether or not the voting rights section of the Department of Justice had the power and the duty and the obligation to preclear—that is, approve—a law change in Alabama in which the judges on a panel went from five members to seven members who would be elected at large. They said that they did have a right to object to that, that that law could not take effect until they had approved it—read it, studied and approved it. We did not believe that was so. There was legal authority present, including a decision made by the U.S. Supreme Court, that clearly indicated to me as attorney general of Alabama that they had no authority to preclear that decision. So I said we were going to proceed with it, and they maintained their objection.

Now, there is an interesting thing about this that you may not know. If you object to a ruling of the Department of Justice, Civil Rights Division, in Washington, DC, and you live in Alabama, you can't file a lawsuit in Federal court in Alabama to get a conclusion of the matter. Under the law, you have to file the lawsuit in Washington, DC, in Federal court, which is a very expensive process. I submit, Mr. President, they didn't think we would do it.

They didn't think we cared enough about that principle to do so. But we told them they were wrong and they were going to lose this opinion, and we would file the suit. They called our bluff and refused to preclear or agree that they did not have control over this position.

So we filed a suit, and the case proceeded for a short time. The U.S. Department of Justice then confessed—admitted—that they had no basis for their case, and conceded our point.

I say to you, Mr. President, that you can say that was a mistake and some might say so. In my opinion, it was a heavyhanded application of the law.

Those were good attorneys. They knew they didn't have to have a good legal basis for the position they took, and they tried to bluff the State of Alabama and force the State of Alabama to capitulate anyway.

So this is the kind of thing that is important. All of us care about justice in America. Also, we care about the law being enforced, and we believe that civil rights attorneys can also make errors; civil rights attorneys can actually do civil wrongs. We believe that they have to obey the law, also.

So I would just say that this points out another reason, as we debate who should be the head of the Civil Rights Division of the Department of Justice, that we select a person who is balanced, who is fair, who is objective, and who will follow the law, including the Constitution of the United States, the laws passed by this Congress, and the case authority of the courts of the United States.

Mr. President, that concludes my remarks. I yield the floor.

Mr. AKAKA addressed the Chair.

The PRESIDING OFFICER. The Senator from Hawaii.

PRIVILEGE OF THE FLOOR

Mr. AKAKA. Mr. President, I ask unanimous consent that Mr. Jaffer Mohiuddin, a legislative fellow in my office, be granted the privilege of the floor for the remainder of the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Hawaii is recognized.

Mr. AKAKA. I thank the Chair.

(The remarks of Mr. AKAKA pertaining to the introduction of S. 1418 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. AKAKA. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. I ask unanimous consent to proceed not to exceed 3 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ALABAMA - COOSA - TALLAPOOSA
AND APALACHICOLA-CHATTA-
HOOCHEE-FLINT RIVER BASIN
COMPACTS

Mr. SESSIONS. Mr. President, I would like to take this opportunity to express my gratitude today for the cooperation of my colleagues, and in particular my good friend and home State colleague, Senator RICHARD SHELBY, as well as colleagues from Florida and Georgia and the chairman of the Judiciary Committee, Senator ORRIN HATCH, and the chairman of the Constitution Subcommittee, Senator JOHN ASHCROFT, for their expedited consideration of the Alabama-Coosa-Tallapoosa and Apalachicola-Chattahoochee-Flint River basin compacts that passed the Senate today.

Our citizens in Alabama and the Southeast region have many benefits from an outstanding environment and a generous water supply. But population increases have made water resources extremely valuable. The water compacts passed today by the Senate are the first step in allowing the three States of Alabama, Georgia, and Florida to enter into legal, acceptable agreements which will ensure the water resources of the region are divided in a responsible and equitable way, which protects the environment and ensures a reliable supply of water for drinking, agriculture, and recreation.

Passage of these water compacts is the result of nearly 20 years of work between the States of Alabama, Florida, and Georgia. Today's action represents only the initial step in a challenging process which must ultimately be carried through by these States. The water compacts themselves do not contain the formula for actually dividing the water resources, but serve only to grant permission to the States to create a formula themselves. Without the water compacts, it is likely my home State of Alabama, along with Georgia and Florida, would be forced into Federal court for protracted litigation to determine an equitable way to divide these resources. The action taken today will allow our States to enter into thoughtful negotiations rather than wasteful litigation to determine a permanent solution to our region's water resource problems.

Mr. President, no remarks on this action by me today would be complete without my mentioning the work of Alabama Gov. Fob James and State Representative Richard Laird, who have worked tirelessly toward this end. Governor James has personally given his attention to the matter, and negotiations have been ongoing, as I have noted, for many years. Representative Laird has been very active in this entire process and has been the main spokesman for Alabama's effort for over 3 years. As a former attorney general in the State of Alabama and one who was involved in these activities, I know firsthand the personal commitment that Representative Laird has given to this effort.

I also want to take this opportunity to recognize Mr. Craig Kneisel, the chief of the environmental section of the Alabama Attorney General's office. Craig Kneisel has been the chief of that environmental office since its founding around 20 years ago. He has given leadership and legal advice to this effort that has reached a good conclusion today.

So we have made a major step toward making an equitable resolution of the water problems of these States, but we have to keep on going. There is no doubt that, as our population increases, as our economy grows, there will be greater and greater stress on these wonderful environmental resources. We must protect them and at the same time must make sure that economic growth is facilitated by having a healthy environmental resource such as these two river basins.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KERREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERREY. I thank the Chair.

Mr. President, are we in morning business?

The PRESIDING OFFICER. Morning business has just concluded.

Mr. KERREY. It is only 20 to 6.

The PRESIDING OFFICER. It is morning somewhere.

Mr. KERREY. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERREY. I thank the Chair.

DRUG CZAR BARRY MCCAFFREY
AND THE DRUG WAR

Mr. KERREY. Mr. President, 2 years ago Senator SHELBY, the distinguished Senator from Alabama, and I were managing the Treasury-Postal appropriations bill on the floor at about this time of the year, I believe.

And one of the actions that we had taken in our bill was to zero out the drug czar's office. And the reason that we had done that was that we were quite unhappy with the progress and the performance and, especially, the effort made to interdict and the effort here at home to try to get young people to quit consuming drugs.

We were persuaded at the end of the day, Senator HATCH, Senator BIDEN, and the President himself, saying that they were going to make some substantial changes.

Change No. 1 that they made was to bring on Barry McCaffrey, a retired Army general. I do not know how they talked him into it. Somehow they managed to talk him into coming back and being the drug czar.

Yesterday, Mr. President, Barry McCaffrey sent a letter to the Secretary of Defense. Among other things he has done over the past couple years, this justifies both the President's confidence in him and Senator SHELBY's and my confidence that action would occur.

General McCaffrey sent Secretary Cohen, Secretary of Defense, a letter on the 6th of November saying essentially that:

The National Narcotics Leadership Act requires that the Office of National Drug Control Policy review the drug budget of each department and certify whether the amount requested is adequate to implement the drug control program of the President. For [fiscal year] 1999, the Department of Defense has requested \$809 million for drug control programs, approximately the same level as FY 1998. After careful review, ONDCP has determined pursuant to 21 U.S.C. . . . that this budget cannot be certified.

Mr. President, this is a gutsy move. As you know, as everybody around this town very long knows, to send the Department of Defense a letter saying, "We're not going to certify that your budget is adequate to accomplish the strategy that we have all approved in terms of fighting drugs in America," is a rather substantially gutsy move. And I support it 100 percent.

Perhaps Secretary Cohen will have a response to it. I have a great deal of respect for Secretary Cohen as well. Perhaps he will be able to come back and give a justification as to why the additional money for the Andean Coca Reduction Initiative, for the Mexican Initiative, for the Caribbean Violent Crime and Regional Interdiction Initiative, and for the National Guard Counterdrug Operations are fully funded at the \$809 million level.

My guess is, he will not. My guess is that General McCaffrey has done his homework and analyzed it well and understands what the drug policy is supposed to accomplish. And he understands that as drug czar he has authority.

In the past, drug czars have not exercised that authority quite as willingly. Barry McCaffrey did. And I hope this Congress supports him. All of us, when we are home, we will have townhall meetings. And if the subject of drugs comes up of, what are we doing? people say to me, "At least I hear you say it's a war on drugs. Describe the nature of the war we're fighting. Are we winning it? Are we losing it? What kind of resources are we putting into it?" I say, "We've got a drug czar. We've got a drug strategy. And we're implementing that drug strategy. We're not going to hold anything back in order to be successful."

What General McCaffrey has done is he has called upon the Department of Defense to do just that. As I said, I have not seen Secretary Cohen's response to this letter. I am here this evening just to applaud the drug czar for having the courage that previously drug czars have been a little reluctant to show. And if it is shown that these